

Nicoletti Hornig & Sweeney

WALL STREET PLAZA

88 PINE STREET

SEVENTH FLOOR

NEW YORK, NY 10005-1801

TELEPHONE 212-220-3830

TELECOPIER 212-220-3780

E-MAIL: general@nicolettihornig.com

WEBSITE: www.nicolettihornig.com

JOHN A.V. NICOLETTI
JAMES F. SWEENEY
DAVID R. HORNIG *
FRANK M. MARCIGLIANO
MICHAEL J. CARCICH
BARBARA A. SHEEHAN
NOOSHIN NAMAZI †
ROBERT A. NOVAK
TERRY L. STOLTZ
RICHARD W. STONE II
MICHAEL F. MCGOWAN
VINCENT A. SUBA
SAMUEL C. COLUZZI †
GUERRIC S.D.L. RUSSELL †
KEVIN J.B. O'MALLEY
WILLIAM M. FENNELL
LINDA D. LIN †

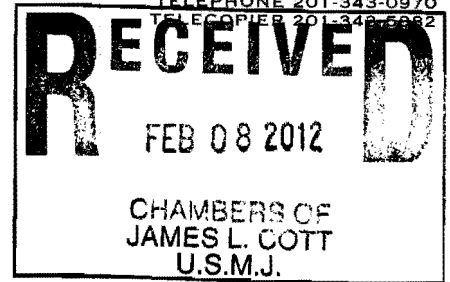
VAL WAMSER †
SCOTT D. CLAUSEN †
FARA N. KITTON †
JAMES E. MORRIS †
NORA A. VALENZA-FROST †
JEFFREY BINKLEY

MICHAEL MARKS COHEN
OF COUNSEL

* ALSO ADMITTED IN TEXAS
† ALSO ADMITTED IN NEW JERSEY
‡ ALSO ADMITTED IN CALIFORNIA
Δ ALSO ADMITTED IN MARYLAND

NEW JERSEY OFFICE

505 MAIN STREET, SUITE 106
HACKENSACK, NJ 07601-5928
TELEPHONE 201-343-0970
TELECOPIER 201-343-5982

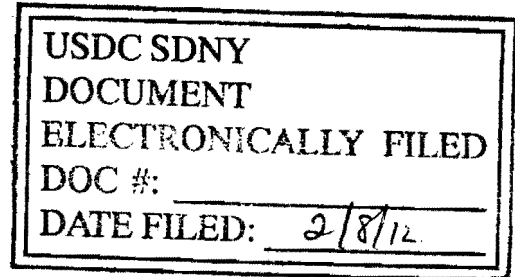


February 7, 2012

BY HAND

Hon. James L. Cott
United States District Court
500 Pearl Street
New York, New York 10007

Re: *Fireman's Fund Ins. Co., et al. v.*
Great Am. Ins. Co. of N.Y., et al.
10 Civ. 1653 (JPO) (JLC)
Our File: 42-55



Dear Judge Cott:

We represent the Plaintiffs in the above-referenced action.

A settlement conference before Your Honor has been scheduled for February 27, 2012. According to Your Honor's Standing Order for All Cases Referred for Settlement, counsel are to submit an *ex parte* settlement letter that is not to exceed ten pages in length unless otherwise permitted by the Court. We write to seek the Court's leave to submit an *ex parte* settlement letter on behalf of the Plaintiffs that is in excess of ten pages.

The Plaintiffs are composed of primary insurers and bumbershoot insurers (of which one is also a primary insurer). They jointly assert a single cause of action against Defendant Great American Insurance Company of New York. The bumbershoot insurers alone assert a single cause of action against Defendant Max Specialty Insurance Company. The two causes of action assert separate and distinct claims that are independent of one another.

USDC SDNY
DATE SCANNED 2/8/12

Hon. James L. Cott

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February 7, 2012

The cause of action against Great American concerns a policy of pollution liability insurance that provides primary coverage to Signal International, LLC.¹ The cause of action against Max Specialty concerns a policy of property insurance that provides excess coverage to Signal in excess of a primary policy that was issued by an insurance company that is not a party to this action.

We request leave to exceed the page limit because we do not believe that we can adequately state the case against Great American and the separate case against Max Specialty within the usual limit of ten pages. Each cause of action turns largely on the differing terms and conditions of the Defendants' respective policies. Although the causes of action share some facts in common, the legal analysis for each differs. We do not believe that we can adequately present our evaluation of the settlement values of the two claims and our rationale for those values within ten pages. Each defendant, in contrast, will have up to ten pages to state their respective case against the Plaintiffs.

Therefore, we respectfully request that we be permitted to submit an *ex parte* settlement letter on behalf of the Plaintiffs that is not to exceed twenty pages in length.

Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By:

John A.V. Nicoletti
John A.V. Nicoletti

cc: VIA FACSIMILE

George R. Zacharkow, Esq.
Stephen J. Galati, Esq.
MATTIONI, LTD.

Attorneys for Great American Insurance Company of New York
Fax: (215) 923-2227

Meryl R. Lieberman, Esq.
Stephen D. Straus, Esq.
TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP
Attorneys for Max Specialty Insurance Company
Fax: (914) 347-8898

SO ORDERED:

James L. Cott
Hon. James L. Cott
United States Magistrate Judge

2/8/12

¹ The Plaintiffs' claims against Signal have been resolved.

Hon. James L. Cott

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February 7, 2012

David S. Bland, Esq.
Matt C. Guy, Esq.
LEBLANC BLAND P.L.L.C.
Attorneys for Signal International, LLC
Fax: (504) 586-3419

Stephen P. Kyne, Esq.
BURKE & PARSONS
Fax: (212) 221-1432